

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

NINO MARTINENKO, on behalf of herself and  
others similarly situated,

Plaintiffs,

-against-

212 STEAKHOUSE, INC. and NIKOLAY  
VOLPER,

Defendants.

Case No. 1:22-cv-00518 (JLR)

**ORDER**

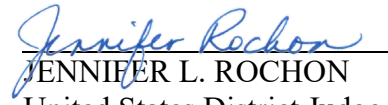
JENNIFER L. ROCHON, United States District Judge:

On September 24, 2024, the Court adopted the Report and Recommendation of Magistrate Judge Lehrburger in its entirety, and granted summary judgment in Plaintiffs' favor on Martinenko's and Huk's FLSA overtime claims. Dkt. 141 at 2 ("Opinion and Order"). On November 14, 2024, the Court entered final judgment in this matter, "[p]ursuant to the Court's Opinion and Order dated September 24, 2024," awarding damages under the NYLL and granting Plaintiffs' request to dismiss the outstanding NYLL § 195 claims without prejudice for a lack of standing. Dkt. 154. On January 13, 2025, Plaintiffs filed an application requesting the entry of an amended judgment clarifying that the judgment entered in favor of Plaintiffs Martinenko and Huk ("Plaintiffs") and against Defendants 212 Steakhouse, Inc. and Nikolay Volper on November 14, 2024 included judgment as to Plaintiffs' FLSA overtime claims. Dkt. 168.

The Court declines to enter an amended judgment. Plaintiffs have not formally moved for an amendment under Federal Rule of Civil Procedure ("Rule") 59, and, in any event, Rule 59 expressly states that a "motion to alter or amend a judgment must be filed no later than 28 days after the entry of judgment." Fed. R. Civ. P. 59(e).

Dated: January 14, 2025  
New York, New York

SO ORDERED.

  
JENNIFER L. ROCHON

United States District Judge